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UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

IN THE MATTER OF THE APPLICATION
OF THE UNITED STATES OF AMERICA
RE: INTERCEPTION OF
COMMUNICATIONS

CR MISC. Nos. 02-078-TJH;
02-122-TJH;
02-143-TJH;
02-217-TJH;
02-246-TJH;
03-077-TJH;
03-110-TJH; through
03-110(B) -TJH

GOVERNMENT'S EX PARTE APPLICATION
FOR AN ORDER ALLOWING THE DRUG
ENFORCEMENT ADMINISTRATION TO
DESTROY ORIGINAL RECORDINGS
CONTAINING INTERCEPTED
CONVERSATIONS; DECLARATION OF WADE
SHANNON; [PROPOSED] ORDER

[UNDER SEAL]

Plaintiff United States of America, by and through its counsel
of record, the United States Attorney for the Central District of
California, hereby files this ex parte application for an order
pursuant to 18 U.S.C. § 2518(8)(a) permitting the Drug Enforcement
Administration to destroy original recordings containing
conversations intercepted pursuant to the Court's orders in the above
captioned matters.

1 In addition, because this application relates to a wiretap
2 investigation, the government requests that this application and
3 proposed orders be filed under seal pursuant to the provisions of 18
4 U.S.C. § 2518(8)(b).

5 Dated: February 26, 2019

Respectfully submitted,

6 NICOLA T. HANNA
United States Attorney

7 LAWRENCE S. MIDDLETON
8 Assistant United States Attorney
Chief, Criminal Division
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10 /s/

DIANA L. PAULI
11 Assistant United States Attorney

12 Attorneys for Plaintiff
13 UNITED STATES OF AMERICA
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DECLARATION OF WADE SHANNON

I, Wade Shannon, declare and state:

1. I am the Assistant Special Agent In Charge of the Los Angeles Field Office ("LAFO") of the Drug Enforcement Administration ("DEA"). I supervise the evidence program including the facilities where recordings intercepted pursuant to court orders are stored. In that capacity, I supervise the destruction of wiretap evidence pursuant to lawful process. I have not personally participated in the investigation discussed below but have reviewed the documents associated with the case that still remain and make this declaration based upon that review.

2. In or about 2002 through 2003, the DEA had an investigation into the drug trafficking activities of Jose Roberto Herran-Ochoa, among others, and included interception of communications over (323) 371-9216; (323) 687-9111; and (323) 219-3370. This investigation included court-authorized interceptions obtained in the above referenced matters.

3. The interception of communications resulted in the collection of eighteen Magneto Optical disks. The recordings were subsequently sealed in the presence of the Court, with the sealing verified by either the signature or initials of the Court. The recordings are still contained in the same packaging in which they were presented to the Court and the seal is undisturbed.

4. The investigation ultimately concluded, and the aforementioned court authorized recordings have been maintained in excess of ten years since the respective sealing date. To date, all judicial action has been completed in the investigation and/or prosecution. There are no fugitives or outstanding appeals. Other

1 than the intercepted communications, all evidence in this case has
2 been destroyed by the DEA.

3 5. Given that the case has concluded, the government seeks a
4 court order, pursuant to 18 U.S.C. § 2518(8)(a), granting permission
5 to destroy the original recordings containing conversations that were
6 intercepted during the course of the interception orders mentioned
7 above. To that end, with this application, the DEA seeks an order
8 from the court allowing the destruction of the original recordings.

9 I declare under penalty of perjury that the foregoing is true
10 and correct. Executed on February 5, 2019 at Los Angeles,
11 California.

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14 WADE SHANNON
15 Assistant Special Agent in Charge
16 Drug Enforcement Administration
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